IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FIFTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

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WRIT PETITION NO : 15948 of 2005

Between:

A.Chakravathi Talari, Being a minor ,

Rep. by his Father & Natural guardian,

T.Paidi Naidu, S/o.Appa Naidu,
R/o.H.No.32-1025/65, Alipuram,

Visakhpatanam-004.

..... PETITIONER

AND

Board Of Intermediate Education,

Rep. by its Secretary, Government of

Andhra Pradesh, Nampally, Hyderabad.

.....RESPONDENT

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ORDER:

This writ petition is filed by the petitioner aggrieved by the action of the respondent in not revaluing the answer script of the petitioner in respect of Chemistry paper-II of Intermediate Second Year 2004-2005 Examination.

2. According to the petitioner, as per the valuation he secured only 17 marks as against 18 marks, which is a pass mark. Therefore, the petitioner applied for re-totalling and verification as is provided under the Rules. The petitioner was also supplied with the Xerox copy of the answer script. But, according to the petitioner, he was informed by the respondent-Board that the verification and re-totalling did not result any addition of marks. Therefore, the petitioner failed in this paper. Not

satisfied with the said action of re-totalling and verification the petitioner has come with the present writ petition.

3. The learned counsel for the petitioner, at the time of hearing, specifically referred to some of the answers in the answer script and contended that with reference to question No.19 though the diagram was properly drawn and even part of the answer was found correct, the valuer has ticked part of answer, but, however, no marks were awarded. Further, it is also the grievance of the petitioner that with reference to question No.3 of Section-A the said question was in two parts and the petitioner answered both the parts with reference to structure of two of the chemical compounds. Though the second structure was struck off as incorrect, as far as the first structure is concerned, there is no indication as to its valuation. Therefore, that part of the answer was not valued at all. Hence, the petitioner is entitled for one mark for the first part, as question No.3 carries two marks i.e., one mark to the first part and another one mark to the second part. Similarly, the learned counsel also contended that question No.16 was also not properly valued. Therefore, even if the petitioner gets one mark for any of the answers, which were not valued or properly valued, the petitioner would be getting through. Hence, sought for appropriate orders.

4. The learned Standing Counsel for the respondent, however, contended that question No.19 was valued properly, but as the entire answer was found to be incorrect zero marks are awarded. Similarly, with reference to question No.3 of Section-A the valuer has rounded of even with reference to first part of the answer, as the structure of CO Cl_3. $6NH_3$ was found to be incorrect. The learned counsel also stated that even with reference to question No.16 the valuer has valued properly, but however, found that the answers given by the petitioner was not proper. Therefore, the petitioner is not entitled for any marks and accordingly no marks are awarded. Therefore, sought to dismiss the writ petition.

5. Heard both sides and considered the material on record.

6. Admittedly, the petitioner secured 17 marks in the Chemistry paper-II as per the

valuation. The petitioner applied for re-totalling as well as verification and the authorities after completing the process of re-totalling and verification found that there is no change in the result. Still not satisfied the petitioner has come up with the present writ petition and contended that some of the answers were not properly valued, therefore, sought for appropriate direction.

7. The said claim of the petitioner is disputed by the respondent counsel. Though the petitioner's case was that the answers were not properly valued, it is difficult for this Court to accept the said contention and to direct the authorities to revalue the answer script of the petitioner. According to the respondent, under the Rules there is no provision of revaluation. What is provided under the Rules is only retotalling and verification, which means re-totalling is intended to find out whether there is any mistake in the arithmetical calculation of the marks awarded to each of the answers, similarly, verification is intended only to find out whether any of the answers left without valuation. Though the petitioner sought to contend that the part of the answer with reference to the Question No.3 of Section-A was not valued, after verification, this court found that there is no merit in the said contention. Similarly, with reference to the answers to question Nos.16 and 19, answer script shows that they were considered and valued by the valuer and in such circumstances it would be difficult for this Court to come to the conclusion that they were not properly valued and the Court is not competent to come to the conclusion that the paper was not properly valued. Further, it is not the case of the petitioner that any of the questions are not valued at all. This Court verified the answer script and found that the valuer considered all the answers written by the petitioner and valued. Therefore, it is difficult for this Court to accept the contention of the petitioner, especially in the absence of any specific rule for re-valuation of the answer script.

8. Under the above circumstances, the writ petition is devoid of merits and is accordingly dismissed. No costs.

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S.ANANDA REDDY,J.

Date: 25th July 2005.

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